

Claims 1-34 are pending in the present application. Claims 1-33 [34] are rejected under 35 U.S.C. §103(a) as obvious over Ng, U.S. Patent No. 5,971,855.

On May 6, 2003, the Examiner and his supervisor conducted an Examiner Interview with Applicants' representative. Applicants' representatives thank the Examiner and his supervisor for conducting the Examiner Interview.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejects claims 1-33 [34] as obvious over Ng. Applicants respectfully traverse this rejection. Independent claim 1 recites, in part:

said data transmitter transmits data of the successfully trained character to the external side when transfer mode is instructed and in addition to the data of the successfully trained character, said data transmitter transmits the training initial values.

This limitation is not taught or suggested by the Ng reference. The Examiner states in his comments in his Interview Summary that Ng fails to transmit data of the initial training values. Nonetheless, the Examiner alleges that even though the reference fails to teach all of the claimed features, the present claims are not patentable over the cited art because the absent feature is not critical.

With regard to the Examiner's statement that no criticality has been disclosed by the present application, Applicants respectfully submit that there is no requirement in the law for such a showing in the present situation and that the Examiner has failed to make a *prima facie* showing of obviousness. The showing of

a criticality is useful to show nonobviousness in situations where the prior art teaches a range and the applicant's claim is directed to subject matter within a range. Such a situation primarily concerns chemical cases or other situations where the applicant has found a sub-range to be particularly beneficial. In applying such a reasoning to the present case, the Examiner is ignoring the requirements set forth in *Graham v. John Deere Co.*, 383 U.S. 1; USPQ 459, 467 (1966) for determining obviousness. There is no requirement that the applicant make a showing that a claimed invention is better than the prior art. *Stratoflex Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (CAFC 1983). It need only be shown that the structural combination claimed is not obvious in view of the prior art. *Deere*, supra. In other words, the claimed invention need only be structurally distinguishable from the cited references.

The Examiner is respectfully requested in accordance with §2143 of the Manual for Patent Examining Procedure (MPEP) to set forth a *prima facie* case of obviousness including the following:

Suggestion or Motivation to Modify the Reference (MPEP §2143.01);
Reasonable Expectation of Success (MPEP §2143.02); and
All of the Claimed Limitations Must be Taught or Suggested (MPEP §2143.03).

The Examiner has failed to provide any suggestion or motivation to modify the reference of Ng to arrive at the present invention. In addition, there is no reasonable expectation that the configuration of Ng has the capacity to transmit data

relating to both the successfully trained character and the initial training values. The reference is silent on this issue. Furthermore, the cited art fails to teach all of the limitations of the claimed invention. The cited art fails to teach or suggest any such feature or any reason to transmit data relating to both the successfully trained character and the training initial values. Rather it appears the Examiner relied on Applicants' disclosure to arrive at the present rejection of the claims.

The present invention is directed to an environment where a character can be retrained on other sides with the same initial training values. Thus, transmitting the initial training values in addition to the data of the successfully trained character is functionally important because such an invention realizes a highly ingenious and interesting game by enabling a character trained by a game player to be retrained on other sides (see specification page 2, lines 8-13). Moreover, as stated in §2144 of the MPEP, "If the applicant has demonstrated the criticality of a specific limitation, it would not be appropriate to rely solely on case law as the rationale to support an obviousness rejection." Accordingly, as the functioning of the feature of transmitting initial training values has been demonstrated, the Examiner's rejection of this feature with only an argument is inappropriate.

The remaining independent claims recite similar limitations.

Regarding claim 13, it is respectfully pointed out to the Examiner that the "given items" are defined in claim 7 from which claim 13 depends. It is also noted

that claim 13 includes the limitation of transmitting the "given items." The Examiner relies on Ng, column 6, lines 15-25 for teaching "given items." The Ng reference is silent on the issue of transmitting the items that the Examiner relies on as "given items."

Accordingly, as the cited art fails to teach or suggest the claimed invention, it is respectfully requested that all rejections under 35 U.S.C. §103(a) be withdrawn.

Pending Claims

For the convenience of the Examiner, APPENDIX II is provided herewith having a complete set of pending claims with all amendments effected therein.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

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APPENDIX I**AMENDED CLAIMS WITH AMENDMENTS INDICATED THEREIN
BY BRACKETS AND UNDERLINING**

13. (Amended) A readable storage medium according to claim 7, wherein in the step of transferring[,] the data of the successfully trained character to an external side [together with] includes transferring the given items to an external side in addition to the transferring of the training initial values when the transfer mode is instructed.



APPENDIX II

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ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN

1. (Amended) A video game apparatus comprising:

a monitor for displaying game images;

a plurality of operable members for operating the game images including a character displayed on the monitor;

a data transmitter for transmitting data to an external side;

a mode instructing member for selectively instructing a training mode and a transfer mode;

a first setter for setting a character to be trained and its training initial values when the training mode is instructed;

a training controller for obtaining training values to be added to the training initial values of the set character by causing the character to take actions in line of a training purpose according to the operation of the plurality of operable members;

an item giving device for giving a plurality of kinds of items to the character which are prepared in advance and influential to sums of the training values in

relation to at least one of the trained state of the character and action instructing operations given to the character by the operable members;

a judger for judging whether training has been successful; and

wherein said data transmitter transmits data of the successfully trained character to the external side when transfer mode is instructed and in addition to the data of the successfully trained character, said data transmitter transmits the training initial values.

2. A video game apparatus according to claim 1, wherein the data of the successfully trained character are transmitted to the external side by the data transmitter together with the given items in addition to the training initial values when the transfer mode is instructed.

3. A video game apparatus according to claim 2, further comprising:

a data receiver for receiving data from an external side; and

a second setter for setting a character received from the external side by the data receiver and provided with training initial values and given items as an object to be trained.

4. (Amended) A character training control method for training a character by operating game images including a character displayed on a monitor by a plurality of operable members, comprising the steps of:

setting a character to be trained and its training initial values when a training mode is instructed;

obtaining training values to be added to the training initial values of the character by causing the set character to take actions on the monitor in line with a training purpose according to the operation of the plurality of operable members;

giving a plurality of kinds of items to the character which are prepared in advance and influential to sums of the training values in relation to at least one of the trained state of the character and action instructing operations given to the character by the operable members;

judging whether training has been successful; and

transferring the data of the successfully trained character to an external side when transfer mode is instructed, and in addition to the data of the successfully trained character, transferring the training initial values.

5. A character training control method according to claim 4, wherein in the step of transferring, the data of the successfully trained character to an external side

together with the given items in addition to the training initial values when the transfer mode is instructed.

6. A character training control method according to claim 5, further comprising the steps of:

receiving character data provided with training initial values and given items from an external side; and

setting the received character as an object to be trained when the training mode is instructed.

7. (Amended) A readable storage medium storing a video game program, the video game program being a character training control program comprising the steps of:

setting a character to be trained and its training initial values when a training mode is instructed;

obtaining training values to be added to the training initial values of the character by causing the set character to take actions on the monitor in line with a training purpose according to the operation of the plurality of operable members;

giving a plurality of kinds of items to the character which are prepared in advance and influential to sums of the training values in relation to at least one of the

trained state of the character and action instructing operations given to the character by the operable members;

judging whether training has been successful; and

transferring the data of the successfully trained character to an external side when transfer mode is instructed, and in addition to the data of the successfully trained character, transferring the training initial values.

8. A readable storage medium according to claim 7, wherein the character training control program further comprising the steps of:

receiving character data provided with training initial values from the external side; and

setting the received character as an object to be trained when the training mode is instructed.

9. A readable storage medium according to claim 7, wherein the character training control program further comprising the step of transmitting a reception permission requiring command when the data of the successfully trained character are transmitted to the external side together with the training initial values.

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10. A readable storage medium according to claim 9, wherein the character training control program further comprising the step of transmitting a transmission requiring command when data of a character provided with its training initial values are received from the external side.

11. A readable storage medium according to claim 8, wherein the character training control program further comprises the step of displaying, on the monitor, how many times the same character has been transmitted to the external side in the transfer mode.

12. A readable storage medium according to claim 8, further comprising another video game program executable using one or more successfully trained characters.

13. (Amended) A readable storage medium according to claim 7, wherein in the step of transferring the data of the successfully trained character to an external side includes transferring the given items to an external side in addition to the transferring of the training initial values when the transfer mode is instructed.

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14. A readable storage medium according to claim 13, wherein the character training control program further comprising the steps of:

receiving character data provided with training initial values and given items from the external side; and

setting the received character as an object to be trained when the training mode is instructed.

15. A readable storage medium according to claim 13, wherein the character training control program further comprising the step of transmitting a reception permission requiring command when the data of the successfully trained character are transmitted to the external side together with the training initial values and the given items.

16. A readable storage medium according to claim 15, wherein the character training control program further comprising the step of transmitting a transmission requiring command when data of a character provided with its training initial values and given items are received from the external side.

17. A readable storage medium according to claim 13, wherein items different from those already given are given to the character when the character received from the external side is trained.

18. A readable storage medium according to claim 13, wherein the character training control program further comprises the step of displaying, on the monitor, how many times the same character has been transmitted to the external side in the transfer mode.

19. A readable storage medium according to claim 13, further comprising another video game program executable using one or more successfully trained characters.

20. A video game apparatus according to claim 1, wherein the data transmitter transmits data wirelessly.

21. A video game apparatus according to claim 20, wherein the data transmitter transmits data with infrared signals.

22. A video game apparatus according to claim 1, wherein the data transmitter transmits data with infrared signals.
23. A video game apparatus according to claim 1, wherein the data transmitter transmits data through a cable.
24. A video game apparatus according to claim 1, further comprising a probability changer for setting a probability for a plurality of remaining experience points.
25. A character training control method according to claim 4, wherein data is transferred wirelessly.
26. A character training control method according to claim 25, wherein data is transferred with infrared signals.
27. A character training control method according to claim 4, wherein data is transferred with infrared signals.

28. A character training control method according to claim 4, wherein data is transferred through a cable.

29. A character training control method according to claim 4, further comprising setting a probability for a plurality of remaining experience points.

30. A character training control program according to claim 7, wherein data is transferred wirelessly.

31. A character training control program according to claim 30, wherein data is transferred with infrared signals.

32. A character training control program according to claim 7, wherein data is transferred with infrared signals.

33. A character training control program according to claim 7, wherein data is transferred through a cable.

34. A character training control program according to claim 7, further comprising setting a probability for a plurality of remaining experience points.